What The Government Hopes Won't Happen

What if the good citizens did the following upon receiving a knock on their doors?

The citizen calls through the door, *"Who is it*?"

The reply is, "*I'm police officer/deputy sheriff/special agent Smith*."

The citizen replies, "*Go away. I'm not interested in spending any of my time talking to you. Get off my property*."

That should do it. The agent of the government might be a little more persistent, but if the good citizen understands, and asserts, his rights against the government, the above scenario is all that should happen.

Why? Because no citizen is required to talk to anyone from the government unless he wants to. You have the right to be left alone. Unless the government has probable cause to suspect you of a crime, you are free to be left alone. You do not even have to produce "identity papers." Yet. The Fifth Amendment protects the citizen's right to be free from incriminating himself in a criminal case.

What The Government Hopes Will Happen

Upon knocking on your door, and you opening it, the police officer/deputy sheriff/special agent will say, "I'm Officer Smith and this is my partner Officer Jones. We understand you are in possession of an illegal assault weapon and we're here to retrieve it." They may wave papers in your face, such as a record of sale.

You say, "Oh, well in that case, come on in. I'll show you where it is. I figured you'd find me."

Then they will confiscate your firearm and arrest you. Later, when your attorney files a motion to suppress the evidence before your trial, the judge will deny the motion on the grounds that you volunteered the evidence to the police. You will then be convicted of being in possession of an "illegal" firearm.

Other Things You May Want To Think About

If you are in possession of a so-called "illegal" SKS Sporter or "assault weapon," you should consider purchasing an inexpensive dictation tape recorder and an inexpensive video camera, and keeping it near your front door. When the agents from the government (and they will come in pairs, as they are cowardly) come to your door, you should be in a position to gather evidence of their trickeries. They *will* try to trick you.

For example, they may say, "We know you have an illegal firearm in your house. We want it. It is illegal for you to have it. You must let us in, pursuant to the new law." And, as mentioned above, they may say they have "evidence" that a certain weapon was sold to you.

One response would be the same as above, "Go away. I'm not interested in spending any of my time talking to you. Get off my property. I'm recording this."

Tell them you are recording this event. That will get their attention. You may want to set up a system whereby you can speed dial your phone to a neighbor who can also be videotaping the officers outside your door.

Another alternative response could by, "Slide your search warrant under my door." The government agents will almost certainly not have a search warrant, provided you have been very circumspect in the recent past about what firearms you own. Why, then, would it be almost certain that the government agents will not have a search warrant? Because, according to the Fourth Amendment of the United States Constitution, "no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly

describing the place to be searched, and the persons or things to be seized." Did you know that Article 1 of the California Constitution is a Declaration of Rights, and that section 13 of the Declaration of Rights says: "The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized?" (The full text of the California Constitution can be found at http://www.ca.gov/s/govt/govcode.html.

You must ask yourself this question, "What judge is going to issue a search warrant to search my home for an allegedly illegal firearm, if I haven't had anyone in my home recently who might be a snitch, who would be able to say under oath, 'I saw this man in possession of an illegal firearm of a certain type, and it was stored in this location in his house and I saw it this morning?'" If the only "evidence" the government has is that months earlier you purchased a certain weapon, that in itself would only tell a judge that on that date you may have been in possession of that firearm. In the meantime, you could have disposed of it (you could have thrown it away in your trash), you might have dismantled it, thrown it in a lake, taken it out of state, etc., etc.

If you have not advertised to anyone your possession of your "illegal" firearms, it is highly unlikely that the government will have sufficient evidence that probable cause exists that you are in possession of illegal contraband (that is, that you are in possession of an "illegal" firearm). Thus, you must ask yourself whether you are able to take the small risk that you are wrong.

Even if the government agent has obtained a search warrant, after complying with the search, you may challenge the legal sufficiency of the search warrant. The government will have to sustain its burden of proof that the required showing of probable cause was actually based on credible, recent evidence. This will be a heavy burden, because in every case the eyewitness claiming that you were in possession of the "illegal" firearm would have to make a showing that your possession was close in time to the issuance of the warrant and that the eyewitness was in a position to "particularly describ[e] the place to be searched and the persons and things to be seized" according to the dictates of the Fourth Amendment of the United States Constitution and section 13 of the Declaration of Rights of the California Constitution. In every case, the government will only have reason to suspect that you are in possession of the "illegal" firearm based upon some information they received many months ago. It is just as likely that you are no longer in possession of the "illegal" firearm as it is that it is still in your possession; therefore, without more, there is no probable cause to believe you are currently violating the law. Since you may not be required to answer any of the government's questions about whether you are in possession of an "illegal" firearm, the government has no way of finding out whether its suspicions are correct.

If you really want to have some fun, and burn up some of the government agents' time (taking away time they might otherwise use to try to trick other citizens of their firearms), you may want to do the following:

When they identify themselves outside your door, slide a Public Servant Questionnaire under the door to each of them, and tell them you'd be happy to talk to them if they will answer each of the questions set forth on the form. You may get a copy of the Public Servant Questionnaire at http://www.GunTruths.com (click on the cartridge above "I Believe In Self Defense" and then scroll down to the "Get Involved" heading). If you do this, it is doubtful they will continue to talk to you. Probably, they will have been told not to waste their time on citizens who seem to understand their rights and they will leave and go to the next name and address on their list.

Assuming they do fill out the form completely, you may want to then ask them whether they are armed with loaded firearms. If they say yes, you should tell them that you will let them into your house to talk with them only if they will return **without** their firearms. Then you should also tell them that you'd like to first obtain some witnesses to eyewitness the meeting in your home, and further explain that you'd like to have them sit in front of your pre-positioned video camera and near your tape recorder. If they tell you that you don't have the right to audiotape and videotape them, they will be lying. Remember, these are your public **servants**. Then let them come into your house, unarmed, to ask your permission to answer some questions. Let them ask whatever questions they choose. In response to each, simply say, "I choose not to answer that question." Or you might ask them, in response to every question they ask, whether you are

required to answer the question. Again, you'll have this all on audio tape and videotape and have at least one witness. When they are finished, politely show them the door.

Use your imagination.

Another Right We Have At Our Disposal That The Government Fears

Under Article VI of the United States Constitution, and Sections 15 and 16 of the Declaration of Rights in the California Constitution, all defendants in criminal prosecutions shall enjoy the right to a speedy trial, by an impartial jury of twelve jurors. The AG does not want to be faced with overcoming the foregoing hurdles, plus having to convince all twelve jurors on a jury that you ought to go to jail just because you were in possession of what just a few months earlier had been perfectly legal to own. The AG fears fully informed jurors who know that they have the power to judge both the law and the facts, and who will be willing to acquit you of the victimless crime of possessing an "illegal" firearm that was formerly perfectly legal to own. You should learn more about the Fully Informed Jury Association (FIJA), which is on the Links page at The Lawyer's Second Amendment Society, Inc. web site, http://www.thelsas.org.

The Bill of Rights of the United States Constitution is short, to the point and written in English. The Fourth Amendment is easy to understand. The Attorney General hopes you don't understand any of your rights. Don't let them trick you. If the first one hundred attempts at trickery fail, the government will give up. Don't be fooled. Learn your rights and exercise them!

Disclaimer: The foregoing is not legal advice but is for informational purposes only.

You should use your own judgment or consult an attorney before deciding what to do.

What to do if the police stop you.

We at NCRF were lucky enough to meet Evan F. Nappen, who is most likely, the greatest personal firearms attorney in the country. It was refreshing to find a lawyer who did not believe in giving away our rights & who deeply believed in our Second Amendment right to bear arms. He gave advice for all gun owners on what to do if the police stop you.

First, remain silent. You are only required to give your name, address, & drivers license (only if driving) to the police. Do not volunteer information or answer any questions. Mr. Nappen's advice when asked if you have guns in the car is to reply by saying, "Why are you asking me that question?" You see the police can only search if there is something in plain sight or if they have probable cause. If there is nothing in plain sight & you refuse to answer any question, the police will lack the cause to search you or your car. The only way of giving police probable cause is to answer their questions, which are designed to trap you. Do not consent to a search! As Mr. Nappen puts it, "Men & women died for our rights, the least I can do is to exercise my rights." Second, ask for your attorney. You have a right to have an attorney present during any questioning. By asking for your attorney, you may not be interrogated. Third, do not consent to giving up

your rights. Do not consent to a search without a warrant or sign statements without an attorney's advice. A right given up is a right lost. If the police stop you; do not resist physically, give your name & address only (license if driving), you do not have to answer questions or consent to a search without a warrant. If arrested say, "I want my attorney." Do not be tricked, threatened, or persuaded into giving up you rights.

Without a warrant or probable cause, evidence against you will most likely be thrown out in a criminal court case. For the many who are wrongly arrested for not consenting to police searches, Mr.Nappen will sue the police because they have violated your civil rights. Police departments who wish to settle civil rights cases need to pay up $3,000 per hour that you were wrongly in jail or risk a federal suit $! (10/10/00)